

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Case No. 1:11-cv-250

Plaintiff,

Spiegel, J.
Bowman, M.J.

v.

TWENTY-FOUR THOUSAND FOUR
HUNDRED EIGHTY-VIE DOLLARS
IN UNITED STATES CURRENCY
(\$24,485.00), et al.,

Defendants.

ORDER

Plaintiff initiated this civil forfeiture proceeding on April 21, 2011. On June 14, 2011, through counsel, Claimant Christopher Stegawski filed both an answer and a Verified Claim. However, on July 21, 2011, counsel was granted leave to withdraw after a hearing held before United States District Judge S. Arthur Spiegel. At the hearing, the record reflects that the Court advised Claimant that "in light of the pending criminal investigation and the possible implications thereof, new counsel should be retained forthwith." (See Minute Entry). On the next day, Claimant reiterated his interest in pursuing a claim against the currency by filing a new *pro se* verified claim.

On December 28, 2011, the United States filed a motion to compel Claimant to respond to its written discovery requests, previously hand-delivered to Claimant on July 21, 2011. Claimant Stegawski telephonically requested an extension of time to respond to those requests on August 22, 2011, to which counsel for the United States agreed, up to

and including September 15, 2011. (See Doc. 16-1 at ¶2). After still receiving no response, the United States wrote Claimant requesting responses to be served by October 24, 2011. (*Id.*, ¶3). On October 21, 2011, Claimant again telephonically requested an extension. Again, the United States agreed to that request, though indicating that a “final extension” would be permitted only up to and including November 1, 2011. (*Id.*, ¶4). No responses have ever been received, and no new counsel has entered his or her appearance on Claimant’s behalf in this proceeding. (*Id.*, ¶5).

Claimant has failed to respond to the motion to compel, which the Court finds to be well-founded. Plaintiff’s *pro se* status does not excuse his obligation to comply with the Federal Rules of Civil Procedure, including but not limited to participation in the discovery process. As the United States explains in its motion, at this juncture the United States is unable to ascertain if Claimant wishes to continue prosecuting his claim. Accordingly, **IT IS ORDERED:**

1. The motion of the United States to compel Claimant Stegawski to respond to its outstanding written discovery requests (Doc. 16) is **GRANTED**;
2. Claimant shall serve a copy of his responses on counsel for the United States on or before **February 17, 2012**;
3. Claimant is forewarned that a failure to timely comply with the terms of this Order is likely to result in additional sanctions under Rule 37, including but not limited to the possible dismissal of his claim and defenses under Rule 37(b)(2)(A) and entry of default judgment.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge